

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF MICHIGAN  
3                   SOUTHERN DIVISION  
4

5 UNITED STATES OF AMERICA,

6           Plaintiff,

7       v.

CASE NO: 1:08-CR-274

8 EMOND DUREA LOGAN,

9           Defendant.

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12                   CHANGE OF PLEA HEARING

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15 BEFORE: THE HONORABLE PAUL L. MALONEY, CHIEF JUDGE  
              United States District Judge  
16               Kalamazoo, Michigan  
              September 13, 2010

17 APPEARANCES:

18 APPEARING ON BEHALF OF THE PLAINTIFF:

19               BRIAN P. LENNON  
20               Assistant United States Attorney  
              P.O. Box 208  
21               Grand Rapids, Michigan 49501-0208

22 APPEARING ON BEHALF OF THE DEFENDANT:

23               SCOTT GRAHAM  
              2911 West Centre Avenue, Suite C  
24               Portage, Michigan 49024

25

1 Kalamazoo, Michigan  
2 September 13, 2010  
3 at approximately 10:06 a.m.

4 PROCEEDINGS

5 THE COURT: This 08-274; The United States of America  
6 vs. Emond Logan. This matter is before the Court for a  
7 change of plea proceeding.

8 The record should reflect that Assistant United  
9 States Attorney Brian Lennon is here on behalf of the  
10 government. Attorney Scott Graham, who was  
11 court-appointed by the Court pursuant to a previous order,  
12 is present in person representing Mr. Logan. Mr. Logan is  
13 present in person.

14 Counsel, this is a change of plea proceeding pursuant  
15 to a plea agreement, is that correct, Mr. Lennon?

16 MR. LENNON: Yes, your Honor.

17 THE COURT: The Court has in its possession Docket  
18 Number 334, which is a plea agreement containing the  
19 signatures of the defendant; Mr. Leo James Terrell,  
20 co-counsel for the defendant; as well as Attorney Scott  
21 Graham. Mr. Graham's signature is dated September 10th;  
22 Mr. Logan's signature is dated August 27th; and  
23 Mr. Terrell's signature is dated August 21st.

24 By previous order of the Court, the Court appointed  
25 Attorney Scott Graham in an abundance of caution to make

1     sure that entry into this plea agreement was in the best  
2     interests of the defendant from the perspective of the  
3     defendant, Mr. Terrell having a, what the Court determined  
4     to be a conflict of interest in his representation of  
5     others. I also appointed counsel to represent those  
6     defendants.

7           Mr. Graham, have you had ample opportunity, sir, of  
8     reviewing the circumstances of this case with your client,  
9     Mr. Logan, and are you satisfied concerning the plea  
10    agreement?

11          MR. GRAHAM: Your Honor, I have had time to confer  
12    with Mr. Logan in order to determine the appropriateness  
13    of the plea agreement from his perspective. Perhaps more  
14    important, I've had time to evaluate evidence that the  
15    government would use against him independently from what  
16    he has told me. So I've been able to actually take a look  
17    at what I think the government would produce in the way of  
18    proof, if it went to trial against Mr. Logan. And based  
19    upon all of those things, I believe that the plea  
20    agreement that was previously signed by Mr. Logan and  
21    Mr. Terrell is appropriate, with only one exception that  
22    doesn't impact the substantive nature, and that is the  
23    conflict-- the conflict waiver. I think that I've been  
24    able to do enough work so that I understand that Mr. Logan  
25    will waive any claim of conflict as it relates to

1 Mr. Terrell, but it is my opinion that his plea before  
2 this Court is not tainted in any way by a conflict in  
3 terms of the analysis of the plea. So there is a written  
4 provision there, rather than change that, we just thought  
5 we would put something on the record on that.

6 THE COURT: Thank you, Counsel, I appreciate that.

7 Mr. Logan, you've had ample opportunity, sir, of  
8 reviewing your case with Mr. Graham, is that correct, sir?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And are you satisfied with his work and  
11 representation of you?

12 THE DEFENDANT: Yes, I am.

13 THE COURT: Do you understand everything that  
14 Mr. Graham just told me?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you agree with it?

17 THE DEFENDANT: Yes.

18 THE COURT: All right, sir.

19 Mr. Lennon, anything in the nature of a preliminary  
20 statement from you?

21 MR. LENNON: No, your Honor.

22 And we would concur with Mr. Graham's analysis. And  
23 to go further on that, your Honor, we believe that with  
24 respect to the Court's ruling in appointing Mr. Graham,  
25 and now if this plea indeed goes forward, that really the

1 conflict no longer becomes even an issue at all, because  
2 as independent counsel has looked at it, and if indeed  
3 Mr. Logan is willing to go through with the plea, we think  
4 it's really for the most part, a moot issue at that  
5 point.

6 Thank you.

7 THE COURT: All right. Thank you.

8 Well, that of course was my concern at the last  
9 hearing. I did believe that Mr.-- and still do-- that  
10 Mr. Logan needed independent advice, and that's why I  
11 appointed Mr. Graham, and I'm satisfied that that has been  
12 accomplished.

13 All right. Mr. Logan, the plea agreement calls for  
14 you to plead guilty to Count One of the Second Superceding  
15 Indictment, is that what you wish to do, sir?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right, sir. In order to take a plea  
18 of guilty from you, I must place you under oath. Would  
19 you raise your right hand.

20 THE DEFENDANT: Do you want me to stand up?

21 THE COURT: If you wish, sir.

22 EMOND DUREA LOGAN - DEFENDANT - SWORN

23 THE COURT: Thank you, sir.

24 You may be seated.

25 How old are you, Mr. Logan?

1 THE DEFENDANT: Forty-nine.

2 THE COURT: And how far did you go in school?

3 THE DEFENDANT: Twelfth grade.

4 THE COURT: So you are able to read and write the  
5 English language?

6 THE DEFENDANT: Yes.

7 THE COURT: Have you taken any prescription  
8 medication or any other substance which might affect your  
9 ability to understand what is occurring here today?

10 THE DEFENDANT: No.

11 THE COURT: Do you understand what I'm saying to you?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: If at any time I say something you don't  
14 understand, I want you to ask me questions. Do you  
15 understand?

16 THE DEFENDANT: Yes.

17 THE COURT: Have you had ample opportunity of  
18 reviewing your case and the wisdom of this plea agreement  
19 from your perspective with Mr. Graham?

20 THE DEFENDANT: Yes.

21 THE COURT: And are you satisfied with his work and  
22 representation of you?

23 THE DEFENDANT: Yes.

24 THE COURT: You understand, sir, that you have the  
25 absolute right to continue your plea of not guilty and

1 proceed to trial on these matters. Do you understand  
2 that?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: Throughout those proceedings, you would  
5 have the absolute right to be represented by counsel at  
6 the-- at all proceedings in this matter. Do you  
7 understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: All right, sir.

10 Mr. Lennon, would you review the highlights of the  
11 plea agreement, sir.

12 MR. LENNON: Yes, your Honor.

13 Your Honor, pursuant to the plea agreement, in  
14 Paragraph 1, Mr. Logan agrees to plead guilty to Count One  
15 of the Second Superceding Indictment.

16 Paragraph 2 simply sets forth the elements of the  
17 crime.

18 Paragraph 3, your Honor, sets forth the penalties.

19 Paragraph 4 contains some stipulations, which if the  
20 Court would let me just highlight.

21 In Paragraph 1, the parties are stipulating that  
22 between on or about an unknown date in 2004 and continuing  
23 through in or about January, 2007, as alleged in the  
24 charge, that the defendant was the courier for Alvin Keith  
25 Jackson, who is the defendant's wife's brother. As the

1 courier for Mr. Jackson, and at Mr. Jackson's direction,  
2 the defendant, Mr. Logan, transported loads of cocaine  
3 from Los Angeles, California area to the Detroit, Michigan  
4 area, using a tractor trailer. The defendant also  
5 transported loads of drug proceeds in the form of U.S.  
6 currency from Michigan to California at Mr. Jackson's  
7 direction, and via the interstate highways, including  
8 Interstate 94 in both the Western and Eastern Districts of  
9 Michigan.

10 Defendant acknowledges that at trial, the government  
11 would be able to prove that some of this cocaine he  
12 delivered for Alvin Jackson was later distributed in and  
13 around the Lansing, Michigan area, by AHH DEE AHH, a  
14 Detroit-based drug trafficking organization operating in  
15 the Lansing, Michigan area.

16 Further, there was a mutual understanding between  
17 Alvin Keith Jackson-- between the defendant, Mr. Jackson  
18 and others, to financially benefit from Alvin Keith  
19 Jackson's cocaine trafficking between California and  
20 Michigan.

21 The parties also agree that over the course of this  
22 conspiracy the defendant transported over 150 kilograms of  
23 cocaine for and at the direction of Mr. Jackson.

24 Finally, the parties stipulate that it was further  
25 part of the conspiracy that the defendant used some



1 portion of his drug proceeds to pay for various motor  
2 vehicles, including a tractor trailer, the mortgage for  
3 his residence located at 19058 Springbrook Court,  
4 Riverside, California, and items of personal property,  
5 credit card bills, and other living expenses from sometime  
6 in 2004 through in or about August, 2009.

7 Now, the promises that Mr. Logan is making in  
8 consideration of this plea agreement are as follows:

9 First, to fully cooperate with law enforcement,  
10 that's ATF, my office, the Lansing Police, any other law  
11 enforcement agencies, not only about the charges in this--  
12 that are set forth in this Indictment, but any other  
13 charges or violations of the law that we have apparent or  
14 general jurisdiction over. The defendant will agree to  
15 submit to polygraph examinations upon request as part of  
16 his obligation to cooperate.

17 Paragraph B talks about his waiver of any conflict of  
18 interest challenge, which again, the government's position  
19 is if this plea goes forward with Mr. Graham today, is  
20 probably moot.

21 Paragraph C says that the defendant is going to waive  
22 some of his appellate rights. Essentially he waives the  
23 right to challenge any sentence, or the way it came about,  
24 that is within the guideline range. He also retains-- he  
25 has the opportunity to appeal any sentence that is above

1 the guideline range or any objections that he's preserved  
2 at sentencing. And of course, there's some other ones in  
3 there about preserving the right for a sentence above the  
4 maximum, but the maximum is life in this case, and also  
5 anything that would-- any sentence that would be based on  
6 some kind of improper or illegal criteria, like age, race,  
7 religion, those kind of things.

8 This is an important paragraph here for the  
9 government. That is, Mr. Logan is agreeing to consent to  
10 the forfeiture of all the property listed in the Second  
11 Superceding Indictment.

12 Now, at this point, we only believe he has really  
13 rights to certain properties in here, your Honor,  
14 specifically in the accounts W through AAA, the vehicles  
15 HHH through OOO. As far as real property, the very last  
16 one is the home on Springbrook, and that is CC. And then  
17 with respect to personal property, there are some items of  
18 personal property listed just generally discussed in  
19 Paragraph 4-- 4A.

20 Now, just for the record, your Honor, there was some  
21 other property taken from Mr. Logan's house during the  
22 execution of search warrants in September, and that's  
23 covered in here as well, but not listed in the Indictment,  
24 some flat screen TVs, a Laker's lithograph, but Mr. Logan  
25 is willing to give up his rights to all of that property

1 in consideration of the other promises made in this plea  
2 agreement.

3 Your Honor, the promises made by my office are  
4 contained in Paragraph 6. Obviously at sentencing to  
5 dismiss Count Three, which is the money laundering  
6 conspiracy.

7 In 6B is to not bring additional charges against  
8 Mr. Logan, provided he has told us about those  
9 violations. Of course, that standardly does not include  
10 crimes of violence or any criminal tax violations.

11 Paragraph 6C, we are not going to oppose his request  
12 for acceptance of responsibility. And in light of the  
13 fact that Mr. Logan is pleading guilty after the Court's  
14 order, if the Court determines that because of the counsel  
15 situation it was indeed a timely plea, we certainly would  
16 have no objection to that, your Honor.

17 Paragraph 6D says we are not-- it's essentially a  
18 retelling of 1B1.8. We are not going to use the  
19 information Mr. Logan told us about either in his proffer  
20 or pursuant to this cooperation agreement to enhance his  
21 sentence.

22 And Paragraph 6E is potentially a very important one  
23 to Mr. Logan, that is that we will certainly evaluate the  
24 information he gives us and decide whether any sentence  
25 reduction or downward departure motions are appropriate.

1 The defendant acknowledges it's not a promise to make such  
2 a motion and he can't appeal the Court's decision to deny  
3 any such motion, but we'll certainly evaluate the  
4 information he's provided.

5 Paragraph 7, your Honor, is just the consequences of  
6 breach.

7 Paragraph 8 mentions the guidelines are advisory, not  
8 mandatory.

9 Paragraph 9 simply says the Court is not a party to  
10 this agreement, is not obligated to follow any of the  
11 recommendations or stipulations of the parties.

12 We had a deadline for acceptance, your Honor, and  
13 that was August 26, but we had agreed with Mr. Terrell to  
14 move that because of logistical reasons. He wasn't able  
15 to even get here until the 27th, and sit with Mr. Logan.

16 And then, your Honor, this is-- Finally, this is the  
17 complete agreement. I don't think-- there are no other  
18 parts of the agreement other than I think the kind of  
19 clarifications that counsel made with respect to the issue  
20 of the conflict of interests, but there is no other  
21 promises other than those contained in this plea  
22 agreement.

23 THE COURT: All right. Thank you.

24 For purposes of the record, the Court will state that  
25 under the circumstances here, I think third level of

1 acceptance will be granted, so that's-- to the extent that  
2 might be of concern, I recognize the dynamics of the  
3 situation, so I think third level is appropriate in this  
4 instance.

5 Mr. Graham, is that the plea agreement, sir?

6 MR. GRAHAM: It is, your Honor.

7 THE COURT: All right. Thank you.

8 Mr. Logan, is that your understanding of the plea  
9 agreement, sir?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you have any questions about it?

12 THE DEFENDANT: No.

13 THE COURT: Do you understand that the Court is not a  
14 party to the agreement?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: At this time, I have no idea what your  
17 sentence might be, other than it can be no more than  
18 life. Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: And you understand that the maximum-- the  
21 mandatory minimum is ten years in prison?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. One other provision-- couple

1 of other provisions that I want to go over with you,  
2 Mr. Logan, is your waiver of direct appeal and your right  
3 to file a petition pursuant to Section 2255.

4 First, do you understand that you are-- under the  
5 plea agreement, you're waiving your right to appeal any  
6 sentence that is at or below the maximum advisory  
7 guideline range as determined by the Court at sentencing.  
8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Now, this does not give up your right to  
11 challenge the scoring of the guidelines, you have a right  
12 to do that. But the essence of the plea agreement is that  
13 if the guidelines have been scored correctly, and I  
14 sentence you within the guidelines, you give up your right  
15 to appeal. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: You retain your right to appeal a  
18 sentence above the maximum of the advisory guideline  
19 range, and also to appeal any objections that you have  
20 that the Court incorrectly scored the guidelines. Do you  
21 understand?

22 THE DEFENDANT: Yes.

23 THE COURT: Obviously it's not within my power to  
24 give you a sentence greater than life, but do you  
25 understand that the maximum for the offense is life, and

1     that therefore, to the extent that there is an agreement  
2     here that you can appeal a sentence that exceeds the  
3     statutory maximum, that really doesn't apply here?

4         THE DEFENDANT: Yes, sir.

5         THE COURT: Now, you are also giving up your right to  
6     challenge the sentence by way of collateral attack  
7     pursuant to 28 U.S. Code 2255. Do you understand that?

8         THE DEFENDANT: Yes.

9         THE COURT: And while the Court believes and both  
10    counsel believe that any difficulty or taint from the fact  
11    that Mr. Terrell was representing you and several  
12    co-defendants has been dissipated, you are clearly, under  
13    the plea agreement, giving up your right to a claim of  
14    ineffective assistance of counsel by Mr. Terrell. Do you  
15    understand that?

16        THE DEFENDANT: Yes, sir.

17        THE COURT: Now, the Court is going to be required to  
18    calculate the advisory sentencing guideline range in this  
19    case. Do you understand that?

20        THE DEFENDANT: Yes.

21        THE COURT: The guidelines are advisory to the  
22    Court. That means I don't necessarily have to follow  
23    them. I can go above them, I can go below them, I can  
24    stay within the range. It's the starting point for the  
25    Court, and it's just that, advisory. Do you understand?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. All right. And you heard  
3 Mr. Lennon's statement regarding the forfeiture provisions  
4 of the plea agreement. Do you have any questions about  
5 those?

6 THE DEFENDANT: No.

7 THE COURT: Do you agree to them?

8 THE DEFENDANT: Yes.

9 THE COURT: All right, sir. In Count One of the  
10 Second Superceding Indictment, it's alleged that beginning  
11 on or about an unknown date in the mid-1990s, and  
12 continuing through on or about an unknown date in 2009, in  
13 the Southern Division of the Western District of Michigan  
14 and elsewhere, you and others named in the Indictment did  
15 combine, conspire, confederate, and agree together with  
16 Alvin Keith Jackson, Donnie Charles, Lindell Brown,  
17 Felicia Blake, Tamara Hughes, Kevin Emerson, also known as  
18 Kenneth Coleman, and other persons both known and unknown  
19 to the grand jury, to knowingly, intentionally, and  
20 unlawfully distribute and possess with intent to  
21 distribute five kilograms or more of a mixture or  
22 substance containing a detectable amount of cocaine, a  
23 Schedule II controlled substance. Do you understand that  
24 charge?

25 THE DEFENDANT: Yes.



1 THE COURT: The maximum term of imprisonment for this  
2 offense is life in prison. Do you understand?

3 THE DEFENDANT: Yes.

4 THE COURT: There is a mandatory minimum provision of  
5 ten years in prison. Do you understand?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: The maximum fine is \$4 million. Do you  
8 understand?

9 THE DEFENDANT: Yes.

10 THE COURT: The Court can place you on supervised  
11 release for-- or must place you on supervised release for  
12 at least five years. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: The special assessment of \$100 will be  
15 ordered in this case, upon your sentencing. Do you  
16 understand?

17 THE DEFENDANT: Yes.

18 THE COURT: The Court may order any restitution, if  
19 there is any. The forfeiture provisions also apply, and  
20 we have already explained those during the course of this  
21 proceeding. Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: All right, sir. How do you wish to plead  
24 to Count One of the Second Superseding Indictment?

25 THE DEFENDANT: Guilty.

1 THE COURT: Do you understand, sir, that by pleading  
2 guilty, you'll be giving up your right to a trial? There  
3 will be no trial of any kind. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: You have the right to a jury trial of  
6 twelve persons or the right to be tried by a judge alone  
7 without a jury. These rights you give up if you plead  
8 guilty, do you understand?

9 THE DEFENDANT: Yes.

10 THE COURT: You would be giving up your right to be  
11 presumed innocent of this offense until proven guilty, and  
12 the right to have the government prove beyond a reasonable  
13 doubt that you are guilty. These rights you also give up  
14 if you plead guilty, do you understand?

15 THE DEFENDANT: Yes.

16 THE COURT: You would be giving up your right to  
17 cross examine the witnesses that the government calls in  
18 support of their case, through your lawyer. That is your  
19 right of confrontation under the Constitution. This right  
20 you also give up if you plead guilty, do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: You would be giving up the right to call  
23 witnesses at the trial if you wanted to, to compel the  
24 attendance of those witnesses in court through the  
25 subpoena power of the Court, and to present any other

1 evidence you have for your defense. These rights you also  
2 give up if you plead guilty, do you understand?

3 THE DEFENDANT: Yes.

4 THE COURT: You would have the absolute right to  
5 testify at the trial if you wanted to. On the other hand,  
6 you have the absolute right to remain silent, and that  
7 silence cannot be used against you in any way. Do you  
8 understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: The government could not call you as a  
11 witness at the trial, that's your right against compelled  
12 self incrimination. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand, sir, that if you plead  
15 guilty and I accept your plea, you'll be forever giving up  
16 your right to a trial and all the other rights that we  
17 have talked about?

18 THE DEFENDANT: Yes.

19 THE COURT: If I accept your guilty plea, this will  
20 result in a conviction of the offense, and it will be my  
21 obligation and duty to sentence you on that crime. Do you  
22 understand?

23 THE DEFENDANT: Yes.

24 THE COURT: Has anybody threatened or coerced you  
25 into pleading guilty?

1 THE DEFENDANT: No.

2 THE COURT: Have there been any promises of leniency  
3 or benefit, others than those contained in the plea  
4 agreement?

5 THE DEFENDANT: No.

6 THE COURT: Any predictions of what the sentence  
7 might be if you plead guilty?

8 THE DEFENDANT: No.

9 THE COURT: Are you pleading guilty freely and  
10 voluntarily because are you, in fact, guilty of the  
11 offense?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right, sir. Tell me what you did  
14 that leads you to believe that you are guilty of this  
15 offense, but I-- and I don't want to put words in your  
16 mouth, but I assume this happened between the mid-1990s  
17 continuing through on or about an unknown date in 2009,  
18 and that the crime occurred in the Southern Division of  
19 the Western District of Michigan; is that correct?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And did you agree with Mr. Alvin Keith  
22 Jackson and others to deliver cocaine from the State of  
23 California into the State of Michigan?

24 THE DEFENDANT: Yes.

25 THE COURT: And did you know that at least part of

1 those drugs were going to be distributed by this drug  
2 organization or gang organization, the AHH DEE AHH  
3 organization?

4 THE DEFENDANT: I didn't know per se, but I knew they  
5 were going to be distributed.

6 THE COURT: And you knew that distribution was going  
7 to occur in the Western District and the Eastern District  
8 of Michigan?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Who instructed you to deliver the drugs  
11 to Michigan from California?

12 THE DEFENDANT: Alvin Keith Jackson.

13 THE COURT: And was a statement in the statement of  
14 facts that indicates that the total amount of drugs here  
15 was approximately 150 kilograms of cocaine; is that  
16 correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: I take it that not only did you transport  
19 the drugs from California to Michigan, but you collected  
20 money here in the State of Michigan, and transported the  
21 money from the State of Michigan back to California?

22 THE DEFENDANT: Yes.

23 THE COURT: At whose instructions did you deliver the  
24 money?

25 THE DEFENDANT: Alvin Keith Jackson.

1 THE COURT: And did you deliver all of the money to  
2 him?

3 THE DEFENDANT: Yes.

4 THE COURT: No question that you knew that this was  
5 cocaine you were delivering, correct?

6 THE DEFENDANT: Yes.

7 THE COURT: And no doubt you knew also that the money  
8 that you were taking from Michigan and California was  
9 proceeds from drug sales; is that correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And you knew obviously that this was  
12 illegal, correct?

13 THE DEFENDANT: Yes.

14 THE COURT: And you did it anyway?

15 THE DEFENDANT: Yes.

16 THE COURT: Mr. Lennon, any additional facts?

17 MR. LENNON: Not on the substantive charges, just on  
18 the forfeiture, if I may, your Honor.

19 THE COURT: All right. Thank you.

20 Mr. Lennon has outlined in his previous statement all  
21 of the property that you've agreed to forfeit pursuant to  
22 the plea agreement. Were those items, whether they be  
23 real or personal property, purchased with drug proceeds?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Satisfied?

1 MR. LENNON: I am, your Honor.

2 THE COURT: All right. Thank you.

3 Mr. Graham, satisfied with the facts?

4 MR. GRAHAM: Yes, your Honor.

5 THE COURT: The Court is also so satisfied. I find  
6 the plea to be freely and voluntarily made without any  
7 undue influence, promises of leniency or benefit, except  
8 as stated in the plea agreement.

9 The Court finds no evidence of coercion.

10 The facts as contained in Count One of the Second  
11 Superseding Indictment is factually accurate. The  
12 defendant is actually guilty of the offense contained in  
13 Count One and stands convicted thereof.

14 The Court will take the plea agreement under  
15 advisement pending sentencing.

16 A presentence report is ordered.

17 The defendant is remanded to the custody of the  
18 marshal to await sentencing.

19 Anything further?

20 MR. LENNON: Well, your Honor, there are some pending  
21 motions as to Mr. Logan-- Emond Logan, I assume those  
22 motions are all--

23 THE COURT: Withdrawn.

24 MR. LENNON: --withdrawn?

25 THE COURT: Mr. Graham?

1 MR. GRAHAM: Yes, your Honor.

2 MR. LENNON: That's all. Thank you, your Honor.

3 THE COURT: Mr. Graham, anything further? Go ahead.

4 MR. GRAHAM: From my perspective, your Honor, I guess

5 I just want to make sure that I have the Court's guidance

6 regarding my assignment in this case. I'm willing to stop

7 now, I'm willing to continue. I'm willing to do whatever

8 you want me to do. But I guess I feel in light of the

9 nature of the appointment that maybe I need some further

10 guidance from the Court, and I'm not sure if inquiry of

11 Mr. Logan is relevant. I defer to the Court on that.

12 THE COURT: All right. Thank you.

13 My preference, Mr. Graham, is for you to remain in

14 the case until sentencing is concluded.

15 Mr. Logan, do you object to that in any way?

16 THE DEFENDANT: No, I concur.

17 THE COURT: Okay. So consider yourself continued.

18 MR. GRAHAM: All right. Thank you.

19 THE COURT: Defendant is remanded to the custody of

20 the marshal to await sentencing.

21 MR. LENNON: Thank you, your Honor.

22 COURT CLERK: All rise, please.

23 Court is in recess.

24 (At 10:33 a.m., proceedings were concluded.)

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REPORTER'S CERTIFICATE

I, Kathleen S. Thomas, Official Court Reporter for  
the United States District Court for the Western District  
of Michigan, appointed pursuant to the provisions of Title  
28, United States Code, Section 753, do hereby certify  
that the foregoing is a true and correct transcript of  
proceedings had in the within-entitled and numbered cause  
on the date hereinbefore set forth; and I do further  
certify that the foregoing transcript has been prepared by  
me or under my direction.

/s/

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